

TENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:
DANIEL A. MONACO
DRINKER BIDDLE & REATH LLP
ONE LOGAN SQUARE
18TH AND CHERRY STREETS
PHILADELPHIA, Pennsylvania 19103-6996

Date of mailing
(day/month/year) **27 JUN 2005**

Applicant's or agent's file reference

FOR FURTHER ACTION

See paragraph 2 below

06056-329PC1

International application No.

International filing date (day/month/year)

Priority date (day/month/year)

PCT/US04/37293

08 November 2004 (08.11.2004)

14 November 2003 (14.11.2003)

International Patent Classification (IPC) or both national classification and IPC

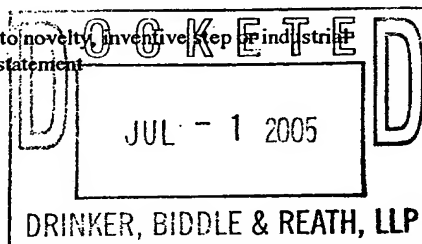
IPC(7): C07C 317/10; A61K 41/10 and US Cl.: 562/426, 562/405, 562/400, 562/405, 562/426, 514/708, 514/709

Applicant

TEMPLE UNIVERSITY OF THE COMMONWEALTH SYSTEM

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application



2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/ US

Mail Stop PCT, Attn: ISA/US
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Facsimile No. (703) 305-3230

Authorized officer

Sharif Richter
Sharif Richter

Telephone No. 571-272-6000

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/US04/37293

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

☐ a sequence listing

☐ table(s) related to the sequence listing

b. format of material

☐ in written format

☐ in computer readable form

c. time of filing/furnishing

☐ contained in international application as filed.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

Best Available Copy

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US04/37293

Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)

Claims 1-72, 74 and 77 YES

Claims 73, 75 and 76 NO

Inventive step (IS)

Claims 1-72, 74 and 77 YES

Claims 73, 75 and 76 NO

Industrial applicability (IA)

Claims 1-77 YES

Claims NONE NO

2. Citations and explanations:

Claims 73 and 76 lack novelty under PCT Article 33(2) as being anticipated by Reddy et al (US 6,486,210 B2).

Reddy et al. disclose applicants' claim compound of formula IV and the process for making the same wherein R¹ is Hydrogen.

Claim 75 lacks an inventive step under PCT Article 33(3) as being obvious over Somers, (US 6,147,250).

Somers teaches applicant's claimed compound of formula II wherein n is 0. See US 6,147,250, column 11, compound of general formula I. Somers compound of general formula I encompasses the species of applicants' claim 75.

Best Available Copy